

PROPERTY LAW: 2005-2006

VOLUME ONE

J. Phillips Faculty of Law University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

Storage

KE 618 .A7P45 2005 v.1 c.1

BORA LASKIN LAW LIBRARY
AUG 1 7 2005
FACULTY OF LAW
UNIVERSITY OF TORONTO

TABLE OF CONTENTS - VOLUME ONE

CHAPTER ONE: PROPERTY IS RIGHTS NOT THINGS

Introduction
The Categorisation of Property in the Common Law
C.B. Macpherson, "The Meaning of Property", introduction to <u>Property:</u> Mainstream and Critical Perspectives
Harrison v. Carswell
Notes
CHAPTER TWO: WHICH RIGHTS IN WHICH THINGS?
Introduction
International News Services v. Associated Press
Notes44
Victoria Park Racing v. Taylor
<u>V.(G.G.)</u> v. <u>V. (J.)</u>
Caratun v. Caratun
Notes
Gould Estate v. Stoddart Publishing
Notes
R. v. <u>Stewart</u>
Notes

CHAPTER THREE: POSSESSION AND TITLE AT COMMON LAW
(a) What is Possession, and Why Does it Confer Rights?80
<u>Pierson</u> v. <u>Post</u>
The Tubantia
Rose, "Possession as the Origin of Property"
(b) Finders: General
Armory v. Delamire
Keron v. Cashman
Moffatt v. Kazana
Note on Popov v. Hayashi
(c) Finders, Occupiers, and Illegality
Bird v. Fort Frances 100
Parker v. British Airways Board
Notes
(d) Introduction to Adverse Possession of Land
Introductory Note
Merrill, "Adverse Possession"
(e) Adverse Possession: The Quality of Possession
Introduction
Re St. Clair Beach Estates v. MacDonald

Mendes da Costa and Balfour, <u>Property Law</u>
Re Lundrigans Ltd. and Prosper
Note
Beaudoin v. <u>Aubin</u>
(f) Adverse Possession and the Inconsistent Use Test: Judicial Repeal?
Introduction
Masidon Investments v. Ham
<u>Teis v. Ancaster Town</u>
Notes
CHAPTER FOUR: INTRODUCTION TO THE COMMON LAW OF REAL PROPERTY - TH DOCTRINES OF TENURE AND OF ESTATES (a) Introduction to Tenure and Estates
(b) Types of Estates
Gray, Elements of Land Law
R. Scane, Notes on Life Estates and Estates in Fee Tail
The Creation of Estates: Presumptions and Words of Limitation 169
(c) Present and Future Interests
Gray, Elements of Land Law
Problems 172

(d) Introduction to Conditional Estates	173
Re McColgan	176
(e) Conditions and Uncertainty	180
Sifton v. Sifton	180
Clayton v. Ramsden	185
Notes	189
(f) Conditions and Public Policy	192
Re Noble and Wolf	193
Notes	199
Re Canada Trust Co. and Ontario Human Rights Commission	.200
Notes	209
Introduction to Restraints on Alienation	216
<u>Laurin</u> v. <u>Iron Ore Co</u>	217
CHAPTER FIVE: CONCURRENT OWNERSHIP	
(a) Introduction	223
(b) Joint Tenancy or Tenancy in Common?	224
Ziff, Principles of Property Law	225
Common Law, Equitable, and Statutory Rules on Presumptions	230

c) Severance of Joint Tenancies
Burgess v. Rawnsley
Notes
(d) Relations Between Co-Owners
Introduction
Reid v. Reid 241
Leigh v. Dickeson 244
(e) Partition or Sale
Introduction
Re Dibattista et al and Menecola et al
(f) Problem

